

Josh Bernstein, P.C.
Civil Rights & Employment Law

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/5/12

Josh Bernstein, P.C.
116 West 23rd Street, 5th Fl.
New York, NY 10011

(212) 537-9412
(Phone & Fax)
jbernstein@jbernsteinpc.com

Susan J. Baldwin v. Goddard Riverside Community Center (11 CIV 7591)

**RE: Request for Leave to Amend the Complaint and a Concomitant Extension of
Discovery**

MEMO ENDORSED

The Application is granted. The Conference
October 5, 2012

SO ORDERED:

is adjourned to
November 21, 2012
at 10:00 AM
Paul G. Gardephe, U.S.D.J.

Dated: Oct. 5, 2012

The Honorable Paul G. Gardephe
United States District Court, Southern District of New York
500 Pearl Street, Room 920
New York, NY 10007

Judge Gardephe,

I represent Plaintiff Susan J. Baldwin in the above-captioned matter and write with Defendant's consent to request (1) leave to amend the Complaint and (2) a 6-week extension of the discovery deadline (from the current deadline of October 5, 2012, to November 16, 2012). Along with the extension of the discovery cut-off date, the parties would request the same extension to the date for writing to your Honor concerning proposed dispositive motion practice (which would extend the deadline for such a Rule 56 letter from November 6, 2012, to December 18, 2012). Just this morning your Honor postponed the scheduled status conference in this matter from October 11, 2012, to November 6, 2012, and I do not believe the parties would have any issue with either holding the status conference on November 6, 2012, or extending such date until after discovery is completed (i.e. for example, in keeping with your Honor's previous schedule of holding the status conference 6 days subsequent to the close of discovery, extending the date until November 22, 2012).

This is the third request for an extension of the relevant deadlines in this matter, both previous requests having been granted by your Honor. The basis for this request, and for leave to amend the Complaint, is that facts have arisen from Plaintiff's deposition of her former immediate supervisor giving rise to a retaliation claim that is not pleaded in the Complaint. The new claim, for which Plaintiff seeks to add one additional cause of action (retaliation for opposing discrimination in housing under the New York City Human Rights Law) is that Plaintiff was retaliated against not only for opposing discrimination against her former subordinate or her participation in her former subordinate's discrimination lawsuit, but also for her opposition to the dictate of Defendant's Executive Director to discriminate against Russian housing applicants.

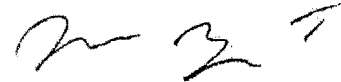
I have provided Defendant with a copy of Plaintiff's proposed Amended Complaint, and Defendant has consented to leave to so amend the Complaint on the

conditions that: (1) discovery be extended; (2) Defendant's time to write to your Honor concerning post-discovery motion practice be similarly extended; (3) that Defendant will depose Plaintiff on the new claims before Plaintiff deposes the final two witnesses scheduled (Plaintiff has already deposed two of Defendant's witnesses) and; (4) that Defendant be provided 21 days to respond to the amended pleading. The parties had scheduled Defendant's final two witnesses to be deposed by Plaintiff earlier this week, October 2, 2012, so as to wrap up discovery by the current deadline, but prudentially cancelled such depositions in order to address the issues raised in this letter first and therefore avoid the redundancy of re-deposing those witnesses etc.

I would also note that Plaintiff is well within the statute of limitations in regards to the new claim, and that M.J. Pitman did not issue his decision re: numerous privileged documents over which there was a dispute and of which many have now been ordered to be produced to Plaintiff until late on the day of October 1, 2012, the day before Plaintiff's scheduled final two depositions.

The parties appreciate your attention to this matter.

Very Truly Yours,



Joshua Alexander Bernstein

cc: Michael Tiliakos, Esq.